

1 (Whereupon, at 9:37 a.m., the proceeding was
2 briefly recessed.)

3 (Whereupon, at 9:47 a.m., the proceeding was
4 resumed.)

5 JUDGE STEINBERG: While we were off the record, we
6 talked about procedural dates. And let me just -- I will
7 put the dates on the record. And I want to note right now
8 that the Bureau objects to certain of -- I am going to have
9 two exchange dates, and the Bureau objects to that. And
10 Universal is also supporting the Bureau on this point.

11 And then, I will have Mr. Aronowitz state his
12 position on the record. And then, I will have a response.
13 And then, I will make some comments, maybe.

14 We will establish August 22, 1997, as the date for
15 completion of all discovery. And that is not -- I just want
16 to clarify, that is not the date that the last discovery
17 request is filed. That is the date that everything is
18 finished, closed, kaput, et cetera. So, when you do your
19 planning, you plan to have everything finished by that date.

20 On September 8, 1997, there will be an exchange of
21 the Mass Media Bureau's written direct case exhibits and the
22 written direct case exhibits of Universal, if they decide
23 that they want to do that.

24 On September 22, we will have the exchange of the
25 written direct cases of Turro and MMBI. And let us -- I

1 would just like to state for the record that the entire
2 direct cases must be put in writing. That we are not going
3 to reserve any for oral testimony.

4 October 6, 1997, we will have an admissions
5 session. And at the admissions session, we will have
6 notification of witnesses that are desired for
7 cross-examination. And that will be at 10 a.m., in the
8 Commission's Washington, D.C., offices.

9 And let me note for the record that, when I say on
10 October 6 that we are commencing the admissions session,
11 that is the actual commencement of the hearing. And that is
12 for purposes of the distress sale that we talked about
13 earlier.

14 The hearing date will be October 14, 1997, and
15 that is a Tuesday. And the reason I made it Tuesday is that
16 people can travel and prepare on Monday. If you want to
17 start on Monday, I have no problem with that, either. But I
18 think Tuesday would be better. And that will be at
19 10 o'clock in the Commission's Washington, D.C., offices.
20 And then, on the subsequent days, we will start earlier. We
21 will start at 9:00 or 9:30.

22 Okay, Mr. Aronowitz, you objected to the split
23 exchange date; you know, the split direct case exchanges.
24 And why don't you put your position on the record?

25 MR. ARONOWITZ: Initially, the Bureau notes that

1 bifurcated exchange is not contemplated. Inasmuch as the
2 bifurcated pleading helps a direct written case -- well, let
3 me try that in reverse.

4 Absent a direct written case, the Bureau
5 strenuously would object to a bifurcated proceeding, because
6 it feels that it places the Bureau at a procedural
7 disadvantage. The Bureau's hearing designation order
8 ordered a "show cause," which serves as a bill of
9 particular. It clearly sets forth the Bureau's case. This
10 is not -- this is not something where surprises should be
11 anticipated. Everything is on the table, to the best of the
12 Bureau's ability.

13 Certainly, the Bureau will do everything it can to
14 move this hearing along in the most expeditious fashion
15 possible. Certainly, the Bureau wants to bring this
16 proceeding to an end, as I'm sure Mr. Turro and MMBI do,
17 also. And there is nothing to be gained by undue delay.

18 That said, in the case of a week, and inasmuch as
19 we will be doing the entire case in writing -- and I think
20 we've agreed to that -- the Bureau will abide by His Honor's
21 ruling.

22 JUDGE STEINBERG: Mr. Naftalin?

23 MR. ALAN NAFTALIN: I think that's fine. I have
24 one scheduling thing to mention after this is done.

25 JUDGE STEINBERG: Okay. Mr. Riley?

1 MR. RILEY: I have one comment, Your Honor, but
2 it's something that can go off the record, just in --

3 JUDGE STEINBERG: Okay, did you respond to
4 Mr. Aronowitz?

5 MR. RILEY: Your Honor, I accept your schedule. I
6 appreciate Mr. Aronowitz's feelings.

7 JUDGE STEINBERG: Okay. Mr. Helmick?

8 MR. HELMICK: Your schedule is acceptable, Your
9 Honor.

10 JUDGE STEINBERG: Okay. While I am thinking about
11 it, in terms of the direct case exchanges, the dates of
12 the -- everybody has got have the exhibits in hand on the
13 exchange dates. Do not mail them. So, all exhibits must be
14 received by all parties on the dates that I have set.

15 MR. ARONOWITZ: Your Honor?

16 JUDGE STEINBERG: Yes, sir.

17 MR. ARONOWITZ: And I just want to add this. We
18 have, thus far, been able to at least try to do a little
19 e-mailing amongst ourselves. Maybe we can agree and,
20 subject to any technical restraints that we might find with
21 our various computer systems, might we suggest that a lot of
22 this could be done maybe by e-mail to ensure prompt deliver,
23 with a follow-up by mail? E-mail being followed up by mail?

24 JUDGE STEINBERG: Whatever you agree to. I am not
25 going to --

1 MR. ARONOWITZ: Well, that would also include you.

2 JUDGE STEINBERG: Well, I do not like -- I find it
3 unreliable --

4 MR. RILEY: I would --

5 JUDGE STEINBERG: -- at times.

6 MR. RILEY: I agree with you, Your Honor.

7 JUDGE STEINBERG: It is incred- -- when it works
8 properly, it is wonderful. But when it does not, you know,
9 you just never know. Whatever you all agree to is fine with
10 me. I want my copies on paper, though.

11 MR. RILEY: Right.

12 JUDGE STEINBERG: But, you know, you do not have
13 to bring mine over on September 8. You can bring them over
14 on September 9. I mean -- and that goes for everybody.

15 MR. RILEY: Just as long as the parties have them
16 on the exchange date.

17 JUDGE STEINBERG: Yes, as long as the parties have
18 them on the exchange date. And then, I -- you know,
19 obviously, I do not want them on the night of October 5, for
20 the admissions sessions.

21 MR. ALAN NAFTALIN: Well, we are all close enough
22 so handing them over should not be a problem.

23 MR. RILEY: No.

24 JUDGE STEINBERG: Yes. Okay, anything else that
25 we have to discuss?

1 MR. ALAN NAFTALIN: Your Honor, as I mentioned to
2 the parties before we opened, I am an arbitrator for the
3 D.C. Bar and I am scheduled to have an arbitration on the
4 28th of October. I certainly hope this hearing will be
5 over. But, if it isn't, I'd like to have that day not be a
6 hearing day.

7 JUDGE STEINBERG: No problem. I certainly hope it
8 is over -- this hearing is over that week. And I will do
9 whatever I can, within my power, to get it done that week.

10 MR. ALAN NAFTALIN: Thank you.

11 JUDGE STEINBERG: Okay. Anything further?

12 Okay, Mr. Riley, do you want to say something, but
13 it was off the record?

14 MR. RILEY: It can be said off the record.

15 JUDGE STEINBERG: Okay, then, why don't we go off
16 the record now? We will be in recess until October 6,
17 unless you need a conference or some other reason. You just
18 let me know, I will try to talk you out of it. And, if I
19 cannot, then -- or, if you want to, we can do things by
20 conference call, too. But just make sure everybody is on
21 the call.

22 Okay, we will go off the record now. Thank you.

23 (Whereupon, at 9:55 a.m., the proceeding was
24 concluded.)


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REPORTER'S CERTIFICATE

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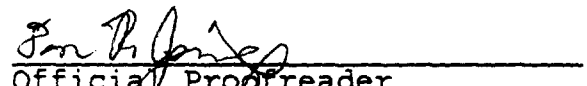
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